3. Repeal of Ordinance XXXI of 1950.—(1) The Essential Supplies (Temporary Powers) Amendment Ordinance, 1950 (XXXI of 1950), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

(3) References in section 2 of this Act to any provision of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) shall be construed as references to that provision as in force immediately before the commencement of the said Ordinance.

NOTIFICATION.

No. L. D. 3316—Legis. 2-50-65, dated Bangalore, 2nd—3rd March 1951.

Ordered that the following Preventive Detention (Amendment) Act, 1951 (IV of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 23rd February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

Received Assent on 22nd February 1951.

THE PREVENTIVE DETENTION (AMENDMENT) ACT, 1951 (IV of 1951)

AN

ACT

further to amend the Preventive Detention Act, 1950.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Preventive Detention (Amendment) Act, 1951.

2. *Amendment of section 1, Act IV of 1950.*—In sub-section (3) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as "the said Act"), for the figures "1951" the figures "1952" shall be substituted.

3. *Amendment of section 2, Act IV of 1950.*—In section 2 of the said Act,—

(*a*) the word "and" at the end of clause (*a*) shall be omitted,

(*b*) at the end of clause (*b*) a semicolon and the word "and" shall be added, and

(*c*) after clause (*b*) the following clause shall be inserted, namely :—

'(*c*) "appropriate Government" means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government.'

4. *Amendment of section 3, Act IV of 1950.*—In sub-section (2) of section 3 of the said Act, for clauses (*c*), (*d*) and (*e*), the following clauses shall be substituted, namely :—

"(*c*) the Commissioner of Police for Bombay, Calcutta, Madras or Hyderabad ;

(*d*) Collectors in the State of Hyderabad".

5. *Insertion of new section 3A in Act IV of 1950.*—After section 3 of the said Act, the following section shall be inserted, namely :—

"3A. *Execution of detention orders.*—A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1898 (Act V of 1898)."

6. *Substitution of new sections for sections 4 and 5, Act IV of 1950.*—For sections 4 and 5 of the said Act, the following sections shall be substituted, namely :—

"4. *Power to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

(*a*) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify ; and

(*b*) to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government :

Provided that no order shall be made by a State Government under clause (*b*) for the removal of a person from one State to another State except with the consent of the Government of that other State.

5. *Detention orders not to be invalid or inoperative on certain grounds.*—No detention order shall be invalid or inoperative merely by reason—

(*a*) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making the order, or

(*b*) that the place of detention of such person is outside the said limits."

7. *Amendment of section 7, Act IV of 1950.*—In sub-section (*1*) of section 7 of the said Act, for the words "against the order, in a case where such order has been made by the Central Government, to that Government and in a case where it has been made by a State Government or an officer subordinate thereto to the State Government" the words "against the order to the appropriate Government" shall be substituted.

8. *Amendment of section 8, Act IV of 1950.*—In section 8 of the said Act,—

(*i*) in sub-section (*2*), for the word "two" the word "three" shall be substituted; and

(*ii*) to sub-section (*2*), the following proviso shall be added, namely :—

"Provided that where, immediately before the commencement of the Preventive Detention (Amendment) Act, 1951, any reference under section 9 is pending before an Advisory Board, such Board may, for the purpose of disposing of that reference only, consist of two persons."

9. *Substitution of new section for section 9, Act IV of 1950.*—For section 9 of the said Act, the following section shall be substituted, namely :—

"9. *Reference to Advisory Boards.*—(*1*) In every case where a detention order has been made under this Act, the appropriate Government shall, within six weeks from the date specified in sub-section (*2*) place before an Advisory Board constituted by it under section 8 the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer, also the report made by such officer under sub-section (*3*) of section 3.

(*2*) The date referred to in sub-section (*1*) shall be—

(*a*) in every case where at the commencement of the Preventive Detention (Amendment) Act, 1951, the person is under detention in pursuance of a detention order made under sub-clause (*i*) of sub-clause (*ii*) of clause (*a*) of sub-section (*1*) of section 3, the date of commencement of the said Act; and

(*b*) in every other case the date of detention under the order."

10. *Amendment of section 10, Act IV of 1950.*—In section 10 of the said Act,—

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The advisory Board shall, after considering the materials placed before it and after calling for such further information, as it may deem necessary, from the appropriate Government or from the person concerned, and, if in any particular case it considers it essential, after hearing him in person, submit its report to the appropriate Government within ten weeks from the date specified in sub-section (*2*) of section 9.";

(*ii*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board."

11. *Substitution of new sections for sections 11 and 12, Act IV of 1950.*—For sections 11 and 12 of the said Act, the following sections shall be substituted, namely:—

"11. *Action upon the report of Advisory Board.*—(*1*) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(*2*) In any case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith.

12. *Validity and duration of detention in certain cases.*—For the avoidance of doubt it is hereby declared that—

(*a*) every detention order in force at the commencement of the Preventive Detention (Amendment) Act, 1951, shall continue in force and shall have effect as if it had been made under this Act as amended by the Preventive Detention (Amendment) Act, 1951; and

(*b*) nothing contained in sub-section (*3*) of section 1 or sub-section (*1*) of section 12 of this Act as originally enacted shall be deemed to affect the validity or duration of any such order."

12. *Insertion of new section 14 in Act IV of 1950.*—After section 13 of the said Act, the following section shall be inserted, namely:—

"14. *Temporary release of persons detained.*—(*1*) The appropriate Government may at any time direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may at any time cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof."

13. *Repeal of Act XLVIII of 1949.*—The Transfer of Detained Persons Act, 1949, is hereby repealed.

K. V. K. SUNDARAM, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.